

REMARKS

By the present amendment, independent claims 1 and 7 have been amended to obviate the examiner's objections thereto and/or to further clarify the concepts of the present invention. In addition, dependent claims 6 and 9 have been amended to correct clerical errors and to make the language used consistent with the remainder of the claims.

It is submitted that these amendments to the claims are helpful in distinguishing the subject claims over the cited prior art and do not raise new issues which would require further consideration and/or search. In addition, it is submitted that such amendments place the application in better form for appeal by materially reducing or simplifying the issues for appeal. Furthermore, no additional claims are presented without cancelling a corresponding number of finally rejected claims. In view of the above, it is submitted that entry of the above amendments is in order and such is respectfully requested.

Initially, applicants wish to make of record that, on September 10, 2008, amended claims 1-13 were submitted by facsimile to Examiner Dove for her consideration. These claims were amended in response to a telephone conversation with Examiner Dove on September 10, 2008.

In a subsequent telephone message to the undersigned on September 25, 2008, Examiner Dove indicated that she considered that all the claims would be allowable as long

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as claim 1 was amended so as to not delete the term "first" appearing on line 1 of claim 1. In so doing, it was suggested that if the above suggestion was followed, all of the claims of would be allowable. It is desired to thank the Examiner for the courtesies extended in reviewing the proposed claims and in communicating suggestions to the undersigned concerning these proposed claims.

It is to be noted that the claims have been amended herein in accordance with the suggestion of the examiner.

In the Office Action, claims 1, 4, 5, 7-9 and 11-13 were rejected under 35 USC § 102(b) as anticipated by the PCT application of Fujii et al and/or under 35 USC § 102(e) as anticipated by the U.S. patent to Fujii et al. In addition, claim 10 was rejected under 35 USC § 102(b) or 102(e) and/or 35 USC § 103(a) as being anticipated by the PCT application of Fujii et al or as being unpatentable over the PCT application of Fujii et al or the patent to Fujii et al and claim 6 was rejected under 35 USC § 103(a) as being unpatentable over the PCT application of Fujii et al or the U.S. patent to Fujii et al. Reconsideration of these rejections in view of the above claim amendments and the following comments is respectfully requested.

In view of the above, it is submitted that since the claims have been amended to be in condition for allowance as indicated in the telephone message from Examiner Dove as

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mentioned previously, it is submitted that all of the above rejections are now moot. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, § 102 and § 103(a) and allowance of claims 1 through 13 as amended over the cited patents are respectfully requested.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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